

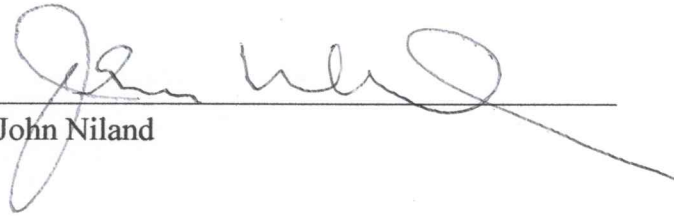
STATE OF KENTUCKY                    )  
  )  
COUNTY OF KENTON                    )

Declaration of John Niland

1. My name is John Niland. I am over the age of eighteen and am otherwise competent to make this declaration.
2. In 2000, I started the Capital Trial Project at the Texas Defender Service. The purpose of the trial project is to provide resources and assistance to capital trial lawyers in Texas, with a particular emphasis on the early stages of capital litigation and the crucial role of investigation and preparation.
3. By 2001, I was actively involved in providing training and resources to capital trial teams, which included the inclusion of mitigation investigators in our programs. Part of my assistance to the teams included locating, recruiting and providing training to mitigation investigators who would assist the trial team.
4. I reached out to both Brooke Busbee and Juan Sanchez on February 19, 2001, to offer them this assistance in their representation of Mr. Murphy. In my letters, attached as Exhibits A1-A3, I told them that TDS would be pleased provide them both with a free brainstorming session to help develop strategies and themes for the case, that I would be willing to help locate a mitigation investigator or other experts, as well as providing them both with a list of eighteen social workers, and their contact information, currently willing and able to perform mitigation work in the Dallas area. Neither Ms. Busbee nor Mr. Sanchez ever responded to my letter.
5. The trial project began hosting training programs for mitigation specialists in 2001. The first such program was held at the State Bar building in Austin in early 2001.
6. By the time I began working in Texas in 2000, there were several mitigation specialists already working in the state, including Joseph Ward, Vince Gonzalez, Lisa Milstein and Tina Francis.
7. I reached out to Brook Busbee to provide her with assistance recruiting a trained mitigation investigator, she never responded. I would have assisted Brook Busbee if she had asked and would have recruited a mitigation investigator to work with her on Patrick Murphy's case if she had asked. I provided assistance to at least one of the six trial teams for the Texas 7 Defendants.

I have read the above 7 paragraphs, and pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 2015.



John Niland